

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Kateland Dawn Myers

Date of Original Judgment: 08/17/2020

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:19CR00189-002USM No: 34973-058

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 151 months **is reduced to** 135 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)


Except as otherwise provided, all provisions of the judgment dated 09/10/2020, shall remain in effect.

**IT IS SO ORDERED.**

Signed: December 14, 2023

Effective Date: 02/01/2024

(if different from order date)

  
 Frank D. Whitney  
 United States District Judge

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: Kateland Dawn Myers  
CASE NUMBER: 0419 3:19CR00189  
DISTRICT: Western District of North Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: <u>35</u>	Amended Total Offense Level: <u>33</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>168</u> to <u>210</u> months	Amended Guideline Range: <u>135</u> to <u>168</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**

Pursuant to USSG §1B1.10(b)(2)(A), if the previous sentence was a departure or a variance from the previous guideline range, the term of imprisonment cannot be reduced to less than the minimum of the amended guideline range. Therefore, the reduced term of imprisonment is 135 months on both counts to run concurrent.